

REMARKSClaim Changes

Claims 1 and 16 are amended to recite “comparing a result from said lower order modulation and correlation process to a result of said higher order modulation and correlation process.” Claims 1 and 16 are amended to incorporate the subject matter of claim 6, which is indicated as being allowable by the Office Action. Thus, no new matter is added.

Claims 4-6 are amended to be consistent with claim 1 as amended.

Claim 7 is amended to change dependency from claim 6 to claim 5.

Claim 11 is amended to incorporate the subject matter of claim 15, which is indicated as being allowable by the Office Action; claim 15 is canceled.

Claim 18 is amended to be consistent with claim 16 as amended.

Claim 22 is amended to incorporate the subject matter of claim 26, which is indicated as being allowable by the Office Action; claim 26 is canceled.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of claims 1-3, 8-10, 16-17 and 20-21 under 35 U.S.C. § 103 (a) as being unpatentable over US 7133440 (Horne) in view of US 20010001008 (Dent)

Applicant has amended independent claims 1 and 16 to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Horne in view of Dent as herein amended.

Applicant respectfully submits that neither Horne nor Dent disclose “comparing a result from said lower order modulation and correlation process to a result of said higher order modulation and correlation process” as recited in amended independent claims 1 and 16. Applicant respectfully requests withdrawal of the rejection of claims 1 and 16 under 35 USC 103(a). Applicant requests that claims 1 and 16 now be passed to allowance.

Dependent claims 2-3, 8-10, 17 and 20-21 depend from, and include all the limitations of independent claims 1 and 16. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2-3, 8-10, 17, 20-21 and requests withdrawal of the rejection.

Rejection of claims 11, 13-14, 22, 24-25 and 27 under 35 U.S.C. § 103 (a) as being unpatentable over US 7133440 (Horne) in view of US 5970399 (Rostany)

Applicant respectfully traverses in part and amends in part. Applicant has amended independent claims 11 and 22 to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 11 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Horne in view of Rostany.

Applicant respectfully submits that the combination of Horne and Rostany does not teach or suggest all the claim limitations as set forth in independent claims 11 and 22, as amended. For example, independent claims 11 and 22 recite “signaling a valid burst detection if said signal energy exceeds said designated signal energy threshold value for a first predetermined period of time and said CIR exceeds said designated CIR threshold value for a second predetermined period of time, wherein said first predetermined period of time and said second predetermined period of time comprise a majority of an expected burst duration” which is not taught or suggested in the combination of Horne and Rostany.

According to Applicant's claim, a valid burst detection is signaled "if said signal energy exceeds said designated signal energy threshold value for a first predetermined period of time and said CIR exceeds said designated CIR threshold value for a second predetermined period of time." In contrast, Horne merely discloses checking if the sync search level exceeds a threshold (Horne, col. 6, lines 4-29), and Rostany merely discloses comparing energy measurement signal to a predetermined threshold, thereby determining the amount of out-band noise that is acceptable and accordingly outputting a control signal (Rostany, col. 4, lines 5-53). Neither Horne nor Rostany disclose that a valid burst detection is signaled based on comparisons of signal energy and CIR with respective thresholds for a first and a second predetermined periods of time respectively. Moreover, Horne and Rostany nowhere disclose that "first predetermined period of time and said second predetermined period of time comprise a majority of an expected burst duration" as recited in Applicant's amended claims 11 and 22. Since the combination of Horne and Rostany fails to disclose Applicant's claimed invention as claimed in independent claims 11 and 22, Applicant respectfully requests withdrawal of the rejection of claims 11 and 22 under 35 USC 103(a). Applicant requests that claims 11 and 22 now be passed to allowance.

Dependent claims 13-14, 24-25 and 27 depend from, and include all the limitations of independent claims 11 and 22. Therefore, Applicant respectfully requests the reconsideration of dependent claims 13-14, 24-25 and 27 and requests withdrawal of the rejection.

Acknowledgement of Allowable Subject Matter

Applicant acknowledges the allowability of claims 4-8, 15, 18, 19 and 26 once amended to be rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended independent claims 1 and 16 by incorporating a feature from allowable dependent claim 6, and amended independent claims 11 and 22 by incorporating subject matter of allowable dependent claims 15 and 26 respectively.

Conclusion

Applicant has reviewed the other references of record and believes that Applicant's claimed invention is patentably distinct and nonobvious over each reference taken alone or in combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this

case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

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Respectfully submitted,

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